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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	Case No. 07-70574 WDB
14 Plaintiff,)	[PROPOSED] ORDER GRANTING
15 v.)	SТИПULATION TO WAIVE TIME UNDER
16 MICHAEL MARTIN, et al.,)	SPEEDY TRIAL CLOCK AND FOR
17 Defendants.)	PRELIMINARY HEARING

19 **[PROPOSED] ORDER**

20 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter
 21 filed a Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary Hearing
 22 seeking to waive and extend the time for the preliminary hearing and to exclude the time between
 23 October 19, 2007 through October 26, 2007 from the Speedy Trial Clock. The Stipulation was
 24 signed by counsel of record as well as the defendant, Mr. McLinn knowingly and voluntarily
 25 waiving his rights to a preliminary hearing on October 19, 2007, and extending the preliminary
 26 hearing until October 26, 2007. The Stipulation also noted that the United States provided
 27 discovery to the defendant's attorneys. This information will allow the defendant's attorneys to

28
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 HEARING EXTENSION AND EXCLUSION
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1 better evaluate the case and assist in preparing a defense. Counsel also acknowledged that an
2 exclusion of time under the Speedy Trial Clock is appropriate to allow for the effective
3 preparation of defense counsel taking into account the exercise of due diligence. Good cause
4 appearing therefor,

5 **IT IS HEREBY ORDERED** that the period of time between October 19, 2007 and
6 October 26, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively
7 prepare, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The
8 Court finds that the “ends of justice served by the granting of such continuance outweigh[s] the
9 best interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A).
10 Additionally, the Court finds that the defendant, Mr. McLinn, knowingly and voluntarily waived
11 the period between October 19, 2007 and October 26, 2007 , such that preliminary hearing is
12 now scheduled for October 26, 2007 at 10:00 a.m.

13 DATED:

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16 WAYNE D. BRAZIL
United States Magistrate Judge
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